

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

Case Nos.:

16-cv-00798 (*Barnes v. 3M Co.*)
16-cv-04161 (*Bond v. 3M Co.*)
17-cv-01703 (*Ussery v. 3M Co.*)
17-cv-03899 (*Pimentel v. 3M Co., et al.*)
17-cv-04467 (*Adams v. 3M Co., et al.*)
17-cv-04517 (*Henderson v. 3M Co., et al.*)
17-cv-04891 (*Edwards v. 3M Co., et al.*)
17-cv-05199 (*Spry v. 3M Co., et al.*)
17-cv-05200 (*Picuri v. 3M Co., et al.*)
17-cv-05202 (*Reed v. 3M Co., et al.*)
17-cv-05270 (*Johnston v. 3M Co., et al.*)
17-cv-05271 (*Gilmore v. 3M Co., et al.*)
17-cv-05277 (*Billings v. 3M Co., et al.*)
18-cv-00263 (*Robinson v. 3M Co., et al.*)
18-cv-00432 (*Falcetta v. 3M Co.*)
18-cv-00670 (*Darwick v. 3M Co.*)
18-cv-00674 (*Welch v. 3M Co.*)
18-cv-00675 (*Wolf v. 3M Co.*)
18-cv-00688 (*Conrad v. 3M Co.*)
18-cv-00691 (*Hauser v. 3M Co.*)
18-cv-00803 (*Farrell v. 3M Co., et al.*)
18-cv-00962 (*Snow v. 3M Co.*)
18-cv-00963 (*Wolfe v. 3M Co.*)
18-cv-00965 (*Branch v. 3M Co.*)
18-cv-01097 (*Ramondo v. 3M Co.*)
18-cv-01098 (*Rodliff v. 3M Co.*)
18-cv-01099 (*Reid v. 3M Co.*)
18-cv-01101 (*Roshell v. 3M Co.*)
18-cv-01113 (*Shade v. 3M Co.*)
18-cv-01119 (*Scott v. 3M Co.*)
18-cv-01122 (*Turnage v. 3M Co.*)
18-cv-01123 (*Twichell v. 3M Co.*)
18-cv-01124 (*Yost v. 3M Co.*)

18-cv-01171 (*Johnson v. 3M Co.*)
 18-cv-01416 (*Carter v. 3M Co., et al.*)
 18-cv-01505 (*Cerbins v. 3M Co.*)
 18-cv-01515 (*Mitchell v. 3M Co.*)
 18-cv-01517 (*Custer v. 3M Co.*)
 18-cv-01738 (*McClain v. 3M Co., et al.*)

**DEFENDANTS' SEVENTEENTH MOTION TO DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:16-cv-00798-JNE-DTS	Barnes	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:16-cv-04161-JNE-DTS	Bond	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:17-cv-01703-JNE-DTS	Ussery	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:17-cv-03899-JNE-DTS	Pimentel	The Olinde Firm, LLC
0:17-cv-04467-JNE-DTS	Adams	Gustafson Gluek PLLC
0:17-cv-04517-JNE-DTS	Henderson	Bernstein Liebhard LLP
0:17-cv-04891-JNE-DTS	Edwards	Bernstein Liebhard LLP
0:17-cv-05199-JNE-DTS	Spry	Pendley, Baudin, & Coffin, L.L.P.
0:17-cv-05200-JNE-DTS	Picuri	Pendley, Baudin, & Coffin, L.L.P.

0:17-cv-05202-JNE-DTS	Reed	Pendley, Baudin, & Coffin, L.L.P.
0:17-cv-05270-JNE-DTS	Johnston	Bernstein Liebhard LLP
0:17-cv-05271-JNE-DTS	Gilmore	The Webster Law Firm
0:17-cv-05277-JNE-DTS	Billings	Bernstein Liebhard LLP
0:18-cv-00263-JNE-DTS	Robinson	The Law Offices of Travis R. Walker, P.A.
0:18-cv-00432-JNE-DTS	Falcetta	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00670-JNE-DTS	Darwick	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00674-JNE-DTS	Welch	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00675-JNE-DTS	Wolf	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00688-JNE-DTS	Conrad	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00691-JNE-DTS	Hauser	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00803-JNE-DTS	Farrell	The Olinde Firm, LLC
0:18-cv-00962-JNE-DTS	Snow	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00963-JNE-DTS	Wolfe	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-00965-JNE-DTS	Branch	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.

0:18-cv-01097-JNE-DTS	Ramondo	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01098-JNE-DTS	Rodliff	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01099-JNE-DTS	Reid	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01101-JNE-DTS	Roshell	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01113-JNE-DTS	Shade	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01119-JNE-DTS	Scott	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01122-JNE-DTS	Turnage	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01123-JNE-DTS	Twichell	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01124-JNE-DTS	Yost	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01171-JNE-DTS	Johnson	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01416-JNE-DTS	Carter	The Olinde Firm, LLC
0:18-cv-01505-JNE-DTS	Cerbins	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01515-JNE-DTS	Mitchell	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.

0:18-cv-01517-JNE-DTS	Custer	Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.
0:18-cv-01738-JNE-DTS	McClain	Bernstein Liebhard LLP

As set forth in Defendants' Memorandum of Law in Support of their Seventeenth Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants' final deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: December 6, 2018

Respectfully submitted,

s/Benjamin W. Hulse

Jerry W. Blackwell (MN #186867)
Benjamin W. Hulse (MN #0390952)
Mary S. Young (MN #0392781)
BLACKWELL BURKE P.A.
431 South Seventh Street, Suite 2500
Minneapolis, MN 55415
Phone: (612) 343-3200
Fax: (612) 343-3205
Email: blackwell@blackwellburke.com
bhulse@blackwellburke.com
myoung@blackwellburke.com

Bridget M. Ahmann (MN #016611x)
FAEGRE BAKER DANIELS LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Phone: (612) 766-7000
Email: bridget.ahmann@faegrebd.com

*Counsel for Defendants 3M Company
and Arizant Healthcare Inc.*